

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i**

File No.: ENF MA-06-80

January 12, 2007

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Enforcement File No. MA-06-80
Unauthorized clearing of land, unauthorized commercial uses, unauthorized residential use, possible disruption of archaeological sites on TMKs (2) 4-1-001:7, 8, 10, and 19 at Honolua Bay, Ka'anapali, Maui

BY: Narciso "Jimmy" Billianor
no fixed address. Current location: Camp at Honolua Bay, Maui

LAND OWNERSHIP: **Parcel 7:** Gilbert Chee
Parcel 8: *Hui:* Alo, Amaral, Anami, Billianor, Ezzo, Ho'okano, Ka'aikamanu, Ka'aikamanu, Ka'aikamanu, Ka'aikamanu, Keahi, Keahi, Keahi, Keli'ihelua
Parcel 10: Maui Land & Pineapple (MLP)
Parcel 19: Maui Land & Pineapple

AREA OF PARCELS: **Parcel 7:** 0.25 acres
Parcel 8: 0.21 acres
Parcel 10: 269.948 acres [part]
Parcel 19: 0.052 acres

SUBZONE: Resource

DESCRIPTION OF AREA:

Honolua Bay is on the northeastern edge of Maui. It is one of the first undeveloped bays north of the resort areas of Ka'anapali. The bay is approximately 300 meters across. The intermittent Honolua Stream flows

through the valley, while the Honoapiʻilani Highway skirts it at approximately the 100 foot elevation. The waters of Honolua Bay are part of a protected Marine Life Conservation District.

While there are no current legal residences at Honolua, the abundance of archaeological sites – including burial mounds, koa, heiau, and numerous grinding stones – suggest a rich pre-Contact history. The valley was used for western style ranching and agriculture following the Mahele. Many of the native Hawaiian sites were disturbed during this period. A tsunami swept through the valley in 1947, and there have been no legal residences since then.

There are currently four TMK parcels in the valley. Maui Land and Pineapple owns the largest, the 270 acre TMK (2) 4-1-01:10, as well as the smaller 0.05 acre parcel 19. Glibert Chee of 'Aiea owns the 0.25 acre parcel 7. Numerous owners hold title to the 0.21 acre parcel 8. The County Tax Database lists many owners who are deceased, while the location of others is unknown. Helen Billianor, Jimmy Billianor's mother, is one of 14 people that tax records show hold title.

There are two access roads and one dirt path leading from the highway to the shore. Maui Land and Pineapple has allowed kuleana owners to use the southern road to access the kuleana parcels. This is a rough, unimproved road that crosses over the stream bed just to the east of the kuleana lots. There is a second road at the northern end of the bay that is accessed by a locked gate. This second road is entirely on MLP lands.

Exhibit 1: Honolua Bay, Kanakapali, Maui shows the locations of the parcels, stream, and roads to the Bay.

RECENT HISTORY:

On January 17, 2006 the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) gave a Site Plan Approval to MLP to conduct landscaping at Honolua Bay in Kanakapali, Maui (ref. MA-06-21). The permit allowed MLP to clear invasive species and overgrown brush at the trailhead to Honolua Bay on MLP lands (parcels 10 and 19).

Shortly thereafter DLNR began receiving complaints about a variety of unauthorized activities in Honolua Bay. These are summarized below:

6/16/06 DOCARE officers conduct site visit to investigate complaints of unauthorized activities at Honolua Bay and find the following possible violations:

Parcel 7 (Chee)

- The land appeared to have been cleared mechanically. It was devoid of brush. A backhoe was parked on the land.¹
- There was a camp on site that appeared to be functioning as a permanent residence. The camp was occupied by Billianor et al., although it was on Chee's property. Archaeological maps show that the campsite might be on burial grounds.

Parcel 8 (hui)

- Evidence that the stream was diverted with a rock wall.

Parcel 10 & 19 (MLP)

- Two portable toilets allegedly placed there by Billianor.
- Signs allegedly posted by Billianor stating that Honolua Bay was private property and asking visitors for a \$3.00 donation to use the beach.

¹ OCCL believes that Gilbert Shim, nephew of landowner Gilbert Chee, is responsible for the alleged clearing.

6/18/06	DOCARE officers verbally notify Shim to cease clearing land until a permit is acquired.
6/19/06	Historic Preservation Department recommends that all work in the area stop until a new archaeological survey is conducted.
6/22/06	Complaint comes in that Shim continues to clear land. Complainant also mentions that the Billianors are conducting commercial operations.
6/23/06	Notice and Order given to Shim to cease and desist unauthorized grading. Shim states that he has already finished the work.
6/24/06	<p>Parcel 7 (Chee)</p> <ul style="list-style-type: none"> DOCARE officer inspects site, finds that Shim had finished clearing parcel 7 and had also cleared half of parcel 8². <p>Parcel 8 (hui)</p> <ul style="list-style-type: none"> DOCARE officer finds a stand set up selling pineapple, chips, drinks, and old coconuts, and offering snorkel equipment rentals. Officer requests that Billianor remove the stand. Billianor complies with the request.
7/12/06	DLNR receives complaint that people at Honolua are charging admission to the bay and are selling items at a stand.
7/13/06	DOCARE officer inspects site; finds donation sign but no commercial stand. The Billianor camp has expanded, and there are an unknown number of people living there. The camp now occupies both parcels 7 and 8.
7/14/06	DLNR receives complaint that people at Honolua are charging admission to the bay, and that complainant was told that if he didn't pay the fine he would not be able to pass through to the bay.
07/16/06	DOCARE officer does site inspection. Billianor denies the accusations. He claims that they only ask for donation to assist with clean-up and maintenance of the Bay, and do not deny anyone access. Officer tells Billianor that his group is not allowed to intimidate visitors or deny anyone access to the Bay, and that such behavior must cease immediately. Officer notes in phone conversation with OCCL that the donation sign remain.
07/18/06	OCCL contacts Billianor. He states that it is only him and his children camping on the land, that his children put up the commercial stall without his awareness and he had them take it down. OCCL verbally informed Billianor that the commercial operations were illegal and needed to be halted immediately, and that any permanent residence would require a permit from DLNR.
07/20/06	OCCL serves Billianor with a Notice and Order that the DLNR had determined that the following illegal uses had occurred on Parcels 7 and 8: <ul style="list-style-type: none"> Unauthorized clearing of land Unauthorized commercial uses Possible disruption of Hawaiian graves and other archaeological sites, and The establishment of a semi-permanent camp. Billianor was ordered to cease all further activity on the subject premises, and that if he failed to discontinue the uses immediately he could be subject to fines of up to \$2000 per day.
7/28/06	DOCARE visit finds that two toilets remain on parcel 7, that an additional tent had gone up, and that the donation signs remained. Officer believed that six Billianor family members were then living at Honolua.
09/25/06	DLNR continues to receive complaints regarding the activities at Honolua Bay. Billianor has not responded to the Notice to Cease and Desist. OCCL conducts site-visit of Honolua along with

² OCCL was unable to access the land to conduct a damage assessment due to the parcels subsequent occupation by Billianor et al. Shim ceased work and vacated the parcel, and OCCL will continue its investigation into this alleged violation once it is again safe to access the land.

representatives from DOCARE, Historic Preservation, and MLP. OCCL also spoke with community members, other hui owners, officials at MLP, and tourists visiting the Bay. OCCL found that:

- There are upwards of one hundred hand-lettered signs along the Honoapiʻilani Highway that state that Honolua Bay is private property and that a \$3.00 donation is requested to maintain the property and the bathroom. The signs are signed *Keahi and Kaaikamanu Estates*.
- There were no adults present in the camp during the site visit. A female minor was sitting in a chair near the end of the access road next to a donation box and a sign stating that the Bay closed at 4:30 pm. The minor stated that DLNR was not allowed to access the Bay, that the Billianor family owned the entire valley, and ordered staff off the land. Staff believed that the minor was on MLP land, and proceeded with the inspection.
- The camp had expanded greatly, and now encompassed at least six tents, two port-a-potties, a rabbit hutch, a wooden structure of unknown function, and a dining tent. It occupied all of both the hui and the Chee parcels.
- Historic Preservation staff pointed out rock walls that had been disturbed and surface archaeological features that were in the middle of the camp.
- MLP reported that they had sent in surveyors the week before, but that the workers felt threatened by the Billianors and left without finishing the survey.
- Rocks had been cleared away from part of the shore to create a sandy space.
- Staff noted the presence of a number of pick-up trucks parked on the land. Community members state that Billianor's have entered into an arrangement with certain tour operators to allow them to drive onto the parcel. OCCL is unable to learn the tour operators' names.
- Hui members report that the Billianors have been fishing in the Bay – a Marine Protected Area - in the evening.

10/05/06 Notice is sent to Jimmy Billianor that he is under formal investigation for the alleged land use violations.

10/05/06 Notice is sent to Honolua Bay property owners regarding the investigation. They are notified that, as land owners, they are ultimately responsible for what occurs on their land.

10/09/06 DLNR receives complaints that Billianors continue to charge for access to the Bay. A site visit by DOCARE confirms this.

11/06 DLNR receives numerous written reports, emails, and complaints from the community that tensions have escalated at the Bay. The reports state that the Billianor's are now demanding \$5.00 for access, are refusing people access who don't pay, ordering people out of the Bay at 4:30 pm, and threatening those who don't cooperate. The local media begin to cover the story.

11/28/06 DOCARE reports that the port-a-potties and donation signs have been removed, and that the Billianors appear to have ceased collecting money at the Bay. The camp infrastructure remains.

Exhibit 2: Sites of Archaeological Interest at Honolua Bay shows the results of a 1974 survey by the Bishop Museum. **Exhibit 3: Honolua Land Uses** shows the locations of the alleged unauthorized land uses that OCCL staff observed on the September 25 site visit. **Exhibit 4: OCCL Photos** shows what OCCL staff observed during the September 25 visit. **Exhibit 5: Staff Notices** contains copies of the Cease and Desist and Notice of Investigation that OCCL sent to Mr. Billianor.

ALLEGED UNAUTHORIZED LAND USES:

Unauthorized residential use: It is alleged that Jimmy Billianor family has set up a permanent camp at both his mother's parcel and the neighboring parcel since at least since June 16, 2006. He has expanded the camp

despite both oral orders to cease and desist and a written order to cease and desist on July 20, 2006. The last site inspection revealed a camp with two latrines, a dining tent, a rabbit hutch, and five large sleeping tents. DOCARE officers estimated that there were six residents, although the number of residents seems to ebb and flow.

OTHER ALLEGED VIOLATIONS

Unauthorized clearing and grubbing: The clearing was allegedly done by Gilbert Shim. Shim ceased clearing the land upon being served a cease and desist order. OCCL recommends that Historic Preservation Department conduct a damage assessment of the area once it is safe to access the land.

Disruption of archaeological sites and burial mounds: Based upon a Bishop Museum 1974 survey, it appears that the Billianor camp sits atop a housing and grave complex. Again, OCCL recommends that Historic Preservation Department conduct a damage assessment of the area once it is safe to access the land.

Diversion of stream: OCCL was unable to safely investigate the reports that Billianor had diverted the stream.

Fishing in the Marine Protected Area: OCCL will forward the reports that the Billianors are fishing in the Marine Protected Area to the Division of Aquatic Resources so that they can follow up.

Unauthorized commercial uses: It is alleged that Billianor and his associates have been collecting three dollars from each tourist visiting the Bay since at least June 16, 2006, and have been demanding five dollars from visitors since at least the beginning of November. OCCL's conservative estimate is that the Bay received at least 100 visitors on average each day during this period. It is thus likely that the Billianor's collected well over \$55,000 between June 16 and November 38, 2006. Mr. Billianor allegedly continues to be present on the land on a continuing basis despite oral orders to cease and desist, and a written order to cease and desist on July 20, 2006.

REFERRAL OF ALLEGED VIOLATIONS TO THE LAND BOARD RATHER THAN THE HEARING OFFICER / ADMINISTRATIVE PENALTY SYSTEM (HOAPS):

The alleged violations have been referred to the Board of Land and Natural Resources (BLNR) rather than HOAPS because of the serious, ongoing, and willful nature of the violations³.

CONSERVATION DISTRICT LAW AND RULES:

Chapter 13-5, Hawai'i Administrative Rules (HAR) and Chapter 183C, Hawai'i Revised Statutes (HRS), regulate land uses in the Conservation District by identifying a list of uses that may be allowed by Conservation District Use Permit. The chapters also provide for penalties, collection of administrative costs, costs associated with land and/or habitat restoration, and damages to state land for uses that are not allowed or for which no permit has been obtained. HAR, Chapter 13-5 defines *land use* in part as *the placement or erection of any solid material on land or the grading, removing or dredging of any material or natural resource on land*.

³ HOAPS distinguishes between Level I and Level II violations, the former being the more serious category which is referred to the Board, and the latter, minor violations, referred to HOAPS.

This report and staff recommend conditions seek to resolve the various Conservation District violations, pursuant to HRS, Chapter 183C. The maximum fine for a conservation district violation is \$2,000 per violation in addition to administrative costs, costs associated with the land and/or habitat restoration, if required, and damages to state land. After written or verbal notification from the Department, willful violation of this section may incur an additional fine of up to \$2,000 per day per violation for each day the violation persists.

APPLICATION OF CONSERVATION DISTRICT LAW AND RULES:

The unauthorized residential camp is in violation of Chapter 183C, Hawai'i Revised Statutes (HRS), and Title 13-5, Hawai'i Administrative Rules (HAR).

Land use is defined in HAR §13-5-2(2) as

"the placement or erection of any solid material on the land....."

"the grading, removing, harvesting, dredging, mining or extraction of any material or natural resource from the land."

DISCUSSION:

The stated purpose of the Conservation District law is to protect and conserve natural resources. The section of the law, HRS, Section 183C-7, that refers to enforcement of our conservation laws should have a deterrent effect on the landowner to prevent them from doing or allowing malfeasance within the Conservation District.

Based upon over six DOCARE reports, community testimony, a site visit, and photographic evidence, OCCL alleges that Jimmy Billianor and his associates have engaged in a series of willful and unauthorized land uses in the Conservation District. OCCL alleges that he has continued with these uses despite oral and written orders to immediately cease and desist from OCCL.

Honolua Bay is a popular recreation spot for both locals and visitors. It is also rich in pre- and post-Contact historical artifacts. Pursuant to HAR §13-5, OCCL is charged with regulating land use in the Conservation District *for the purpose of conserving, protecting, and preserving the important natural resources of the State*. The alleged activities of Mr. Billianor and his associates violate both the spirit and the letter of the Rules regarding the Conservation District, and have negatively impacted the public enjoyment of the Bay.

OCCL would like to note that it remains unclear whether Mr. Billianor holds any legal title to any of the lands in Honolua Bay. His mother is listed as a title holder on parcel 8; however, the majority of alleged land use violations committed by Mr. Billianor occurred on parcels 7 and 10.

CONCLUSION:

FINES:

Staff has considered the Department's mechanism for the imposition of fines for the unauthorized improvements. Our conservation law, Chapter 183C, Hawai'i Revised Statutes (HRS) allows for the imposition of up to a \$2,000 fine for violating the statute.

The order to Cease and Desist was written on July 20, 2006 and delivered on July 24, 2006. The camp has grown since then. OCCL recommends the maximum fine of \$2,000 per day.

ADMINISTRATIVE COSTS:

Staff notes the landowner should pay for the following divisional resources used: 1) Office of Conservation and Coastal Lands (OCCL); and 2) DOCARE Maui Branch. DOCARE's staff calculated administrative costs total \$350.00; and OCCL's staff calculated administrative costs total \$1,000.00. Staff has calculated the total amount to be **\$1350.00**.

This submittal and notice of the Board's meeting will be sent to Jimmy Billianor and the other affected landowners.

STAFF FINDINGS:

1. That Mr. Jimmy Billianor did in fact, develop and maintain a permanent camp in the Conservation District; and
2. That the unauthorized land uses occurred within the Resource Subzone of the State Land Use Conservation District; and
3. That other alleged violations regarding archaeological and cultural sites and the Honolulu Marine Life Conservation District be referred to, respectively, the DLNR's State Historic Preservation Division and the Division of Aquatic Resources.

AS SUCH, STAFF RECOMMENDS AS FOLLOWS:

That, pursuant to Chapter 183C, Hawai'i Revised Statutes (HRS), the Board find Jimmy Billianor in violation of HRS, Chapter 183C and HAR, Chapter 13-5, and subject to the following:

1. That Mr. Billianor violated the provisions of Chapter 183C, Hawai'i Revised Statutes (HRS), and Chapter 13-5, Hawai'i Administrative Rules (HAR), by establishing and maintaining a residential camp within the Conservation District. Mr. Billianor is fined **\$2,000** a day for the **168 days** since he was ordered to cease and desist, for a total fine of **\$330,000**.
2. That Mr. Billianor is fined **\$1,350.00** for administrative costs;
3. That Mr. Billianor shall pay all fines (total **\$331,350.00**) within thirty (30) days of the date of the Board's action on this matter;
4. That Mr. Billianor, his family, and associates shall immediately clear their camp;
5. That in the event of failure of Mr. Billianor to comply with any order herein, he shall be fined an additional \$2,000 per day until the order is complied with;
6. That no further work shall occur on the subject parcels within the Conservation District, without the Board of Land and Natural Resources approval; Chairman's approval and/or OCCL approval.

If Mr. Billianor conducts further work in the Conservation District portions of the parcels without approval, Mr. Billianor will be fined an additional \$2,000 a day; and

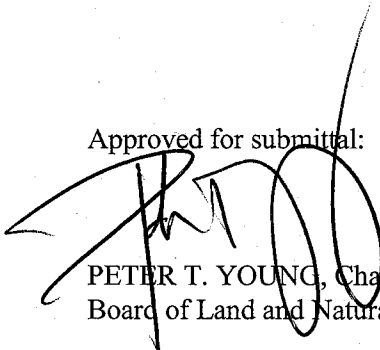
7. That in the event of failure of Mr. Billianor to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Respectfully submitted

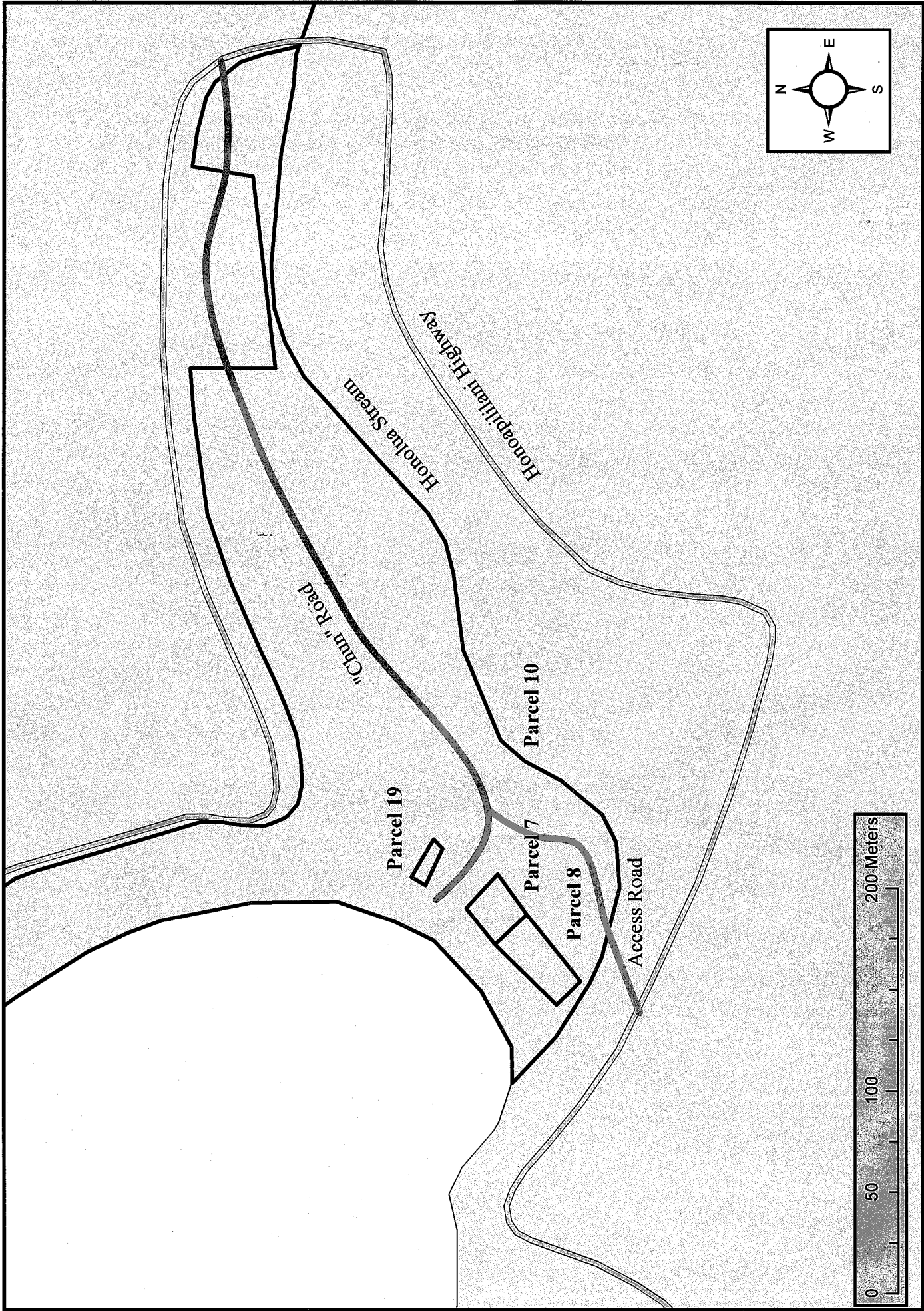


Michael Cain
Office of Conservation and Coastal Lands

Approved for submittal:



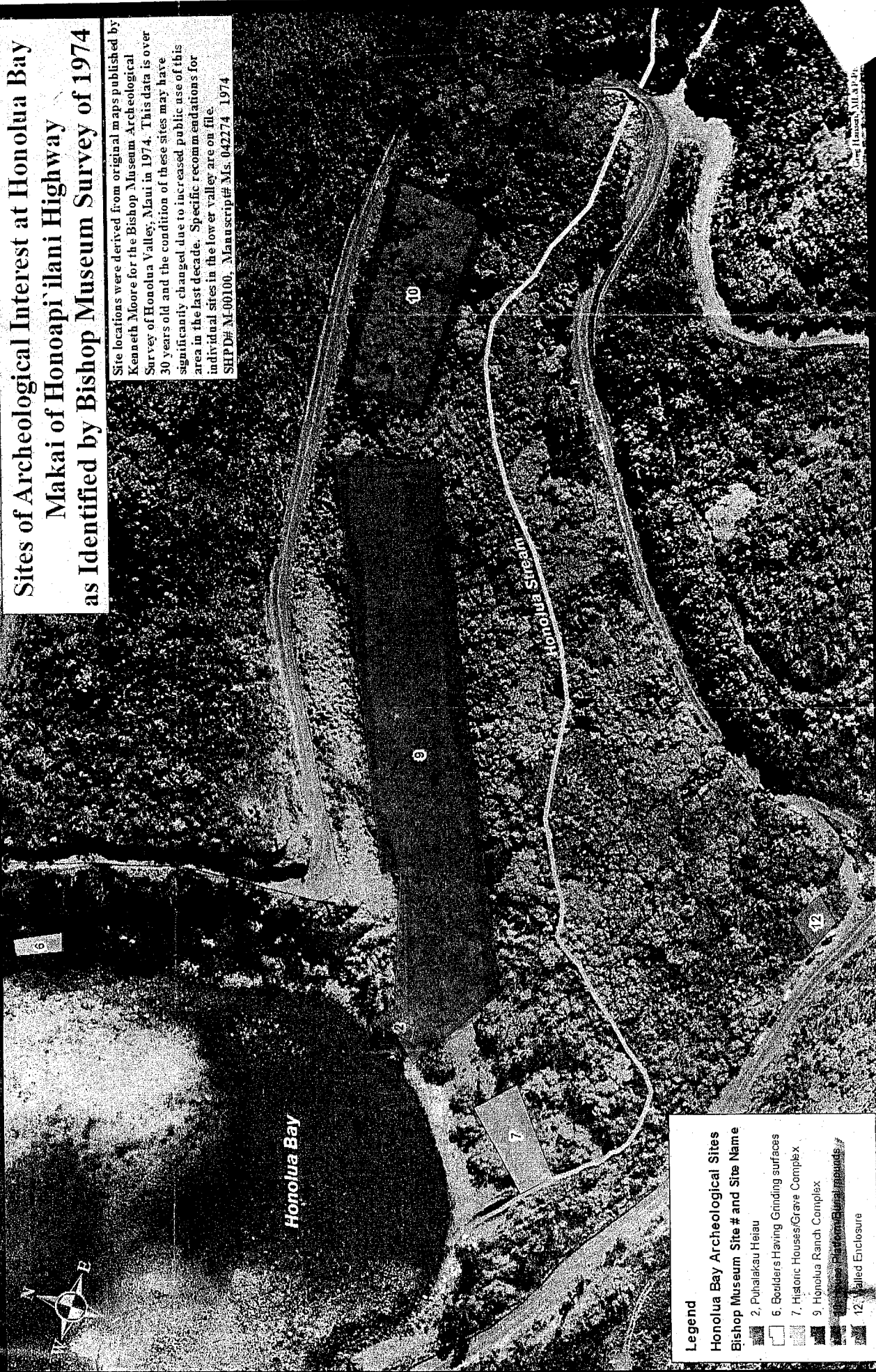
PETER T. YOUNG, Chairperson
Board of Land and Natural Resources



Produced by MC @ OCCL 10/06/06 All boundaries are approximate **EXHIBIT 1: Honolua Bay, Kanakapali, Maui**

Sites of Archeological Interest at Honolua Bay Makai of Honoapi'ilani Highway as Identified by Bishop Museum Survey of 1974

Site locations were derived from original maps published by Kenneth Moore for the Bishop Museum Archeological Survey of Honolua Valley, Maui in 1974. This data is over 30 years old and the condition of these sites may have significantly changed due to increased public use of this area in the last decade. Specific recommendations for individual sites in the lower valley are on file. SHPD# MF-00100, Manuscript# Ms. 042274 1974

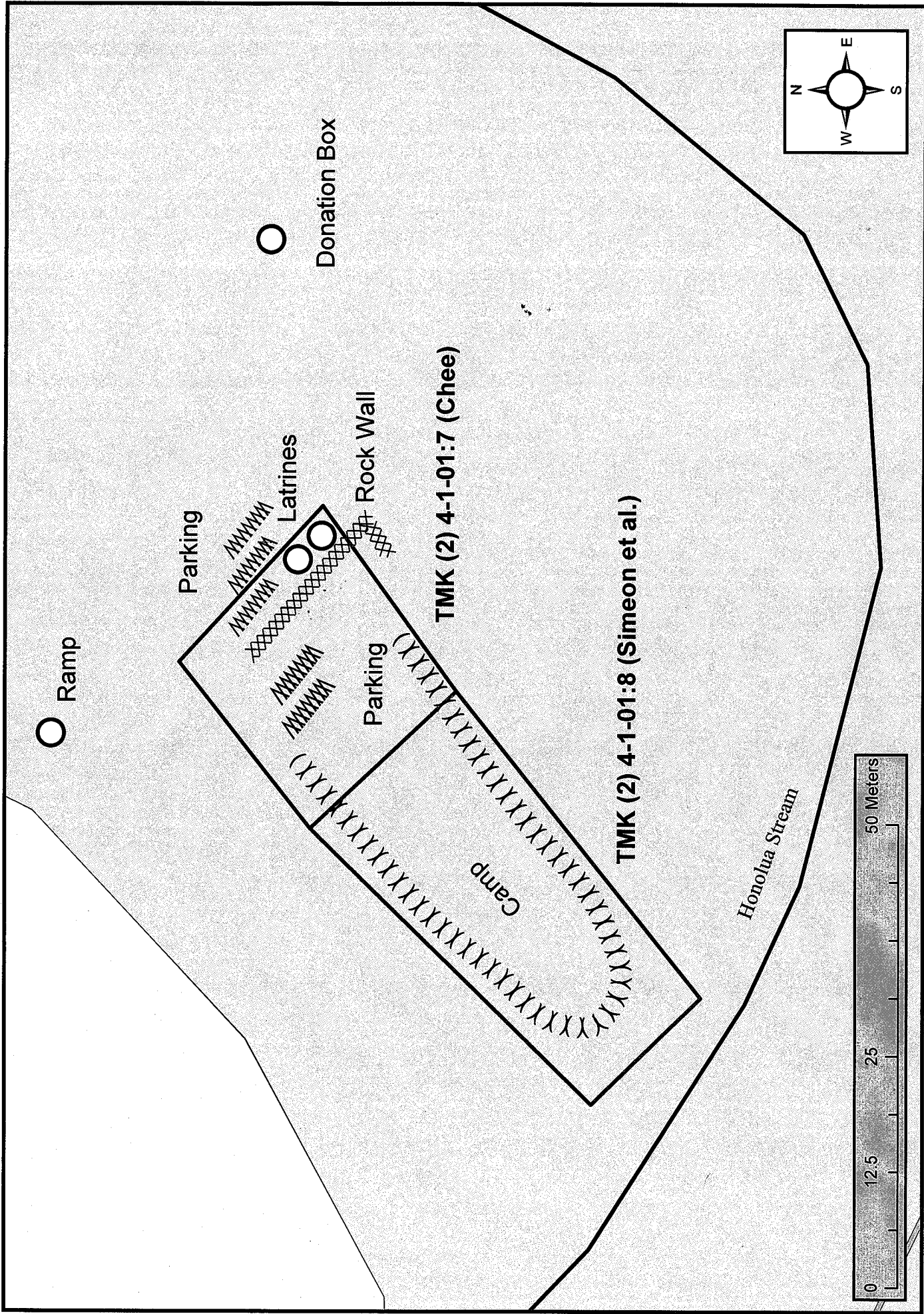


Legend

Honolua Bay Archeological Sites

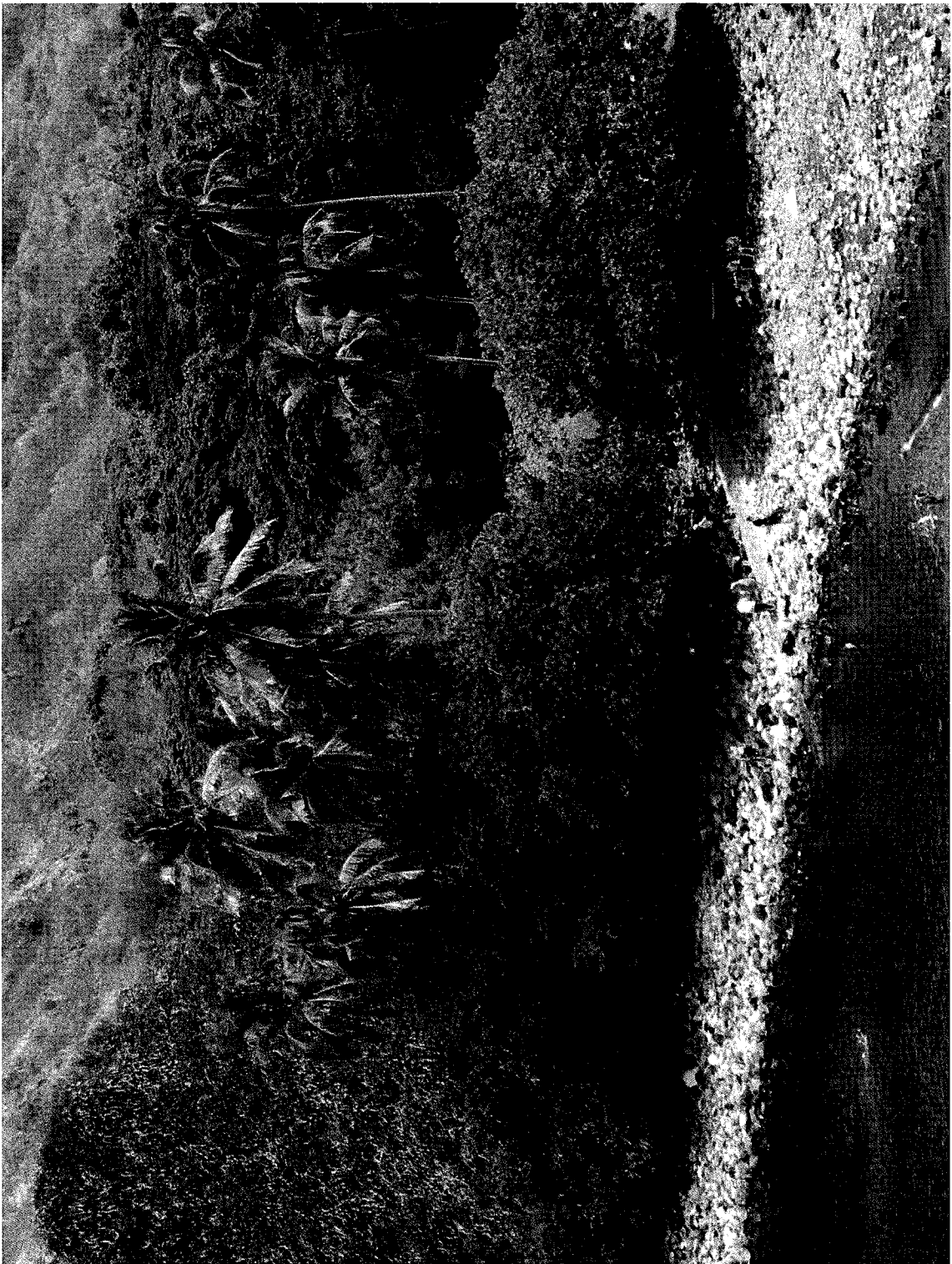
Bishop Museum Site # and Site Name

- 2, Puhalakau Heiau
- 6, Boulders Having Grinding surfaces
- 7, Historic Houses/Grave Complex
- 9, Honolua Ranch Complex
- 10, Honolua Ranch Complex
- 12, Valled Enclosure



Key to Photographs

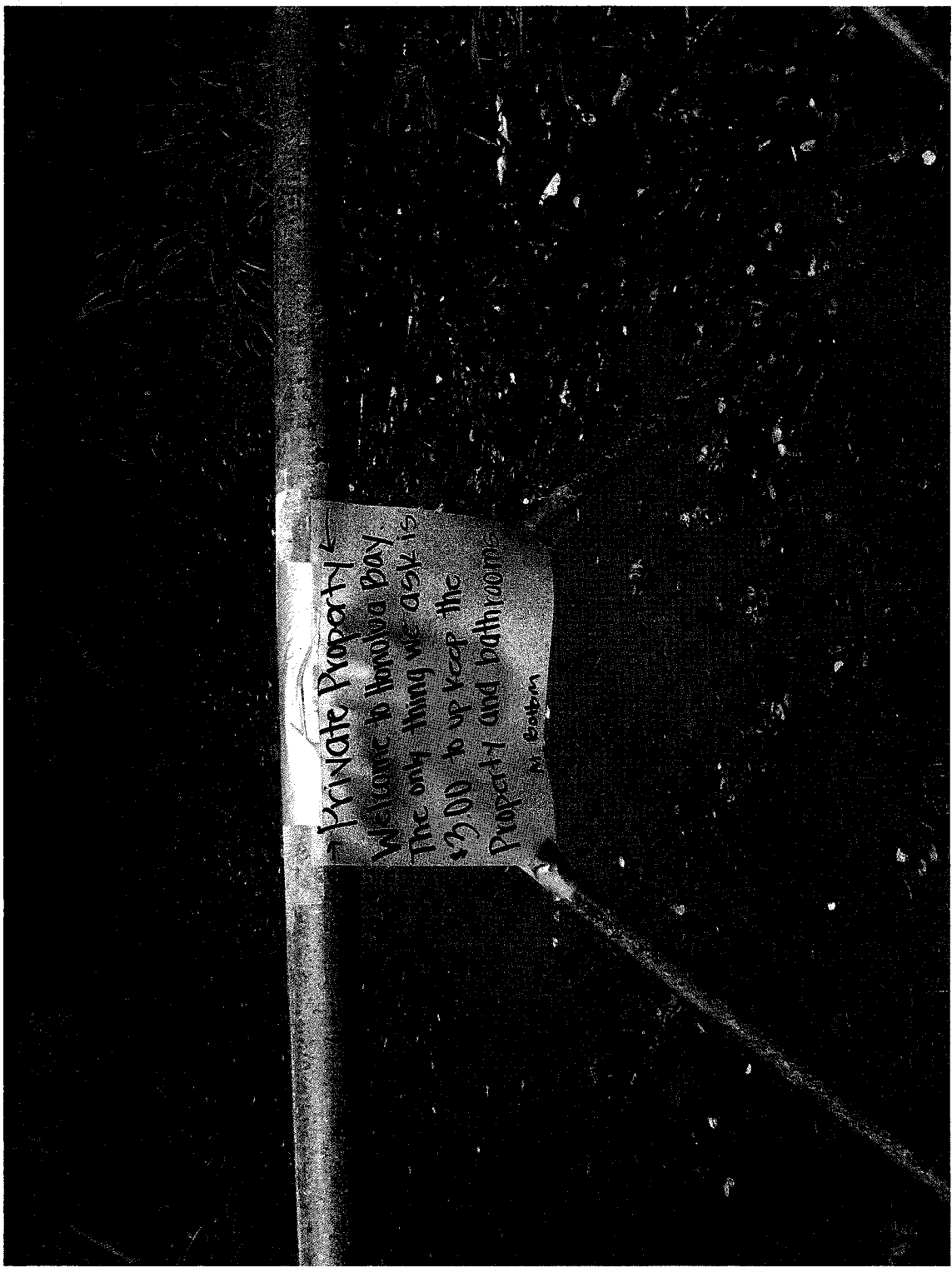
- A:** Looking North, into Honolua Bay.
- B:** View into Honolua Bay. Note that an area under the kiawe trees has been cleared of rocks to make a small beach
- C:** Sign stating that the Bay is private property, and asking for donations at entry to Access Road.
- D:** More signs along a path along the Honoapililani Highway
- E:** Sign posted at the beginning of the "Chun" Road into Honolua
- F:** Latrine on Parcel 7
- G:** Looking over the rock wall and into Parcel 7
- H:** Western terminus of rock wall.
- I:** View into the camp
- J:** Close up of view into the camp showing van parked on a semi-exposed archaeological feature.
- K:** View of the northwestern portion of the camp
- L:** View of the southeastern portion of the camp
- M:** View of Parcel 8, including rabbit hutch.
- N:** Billianor family member collecting donations. Signs shows "Closing Hours" for the Bay



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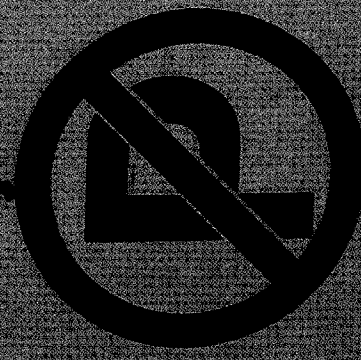
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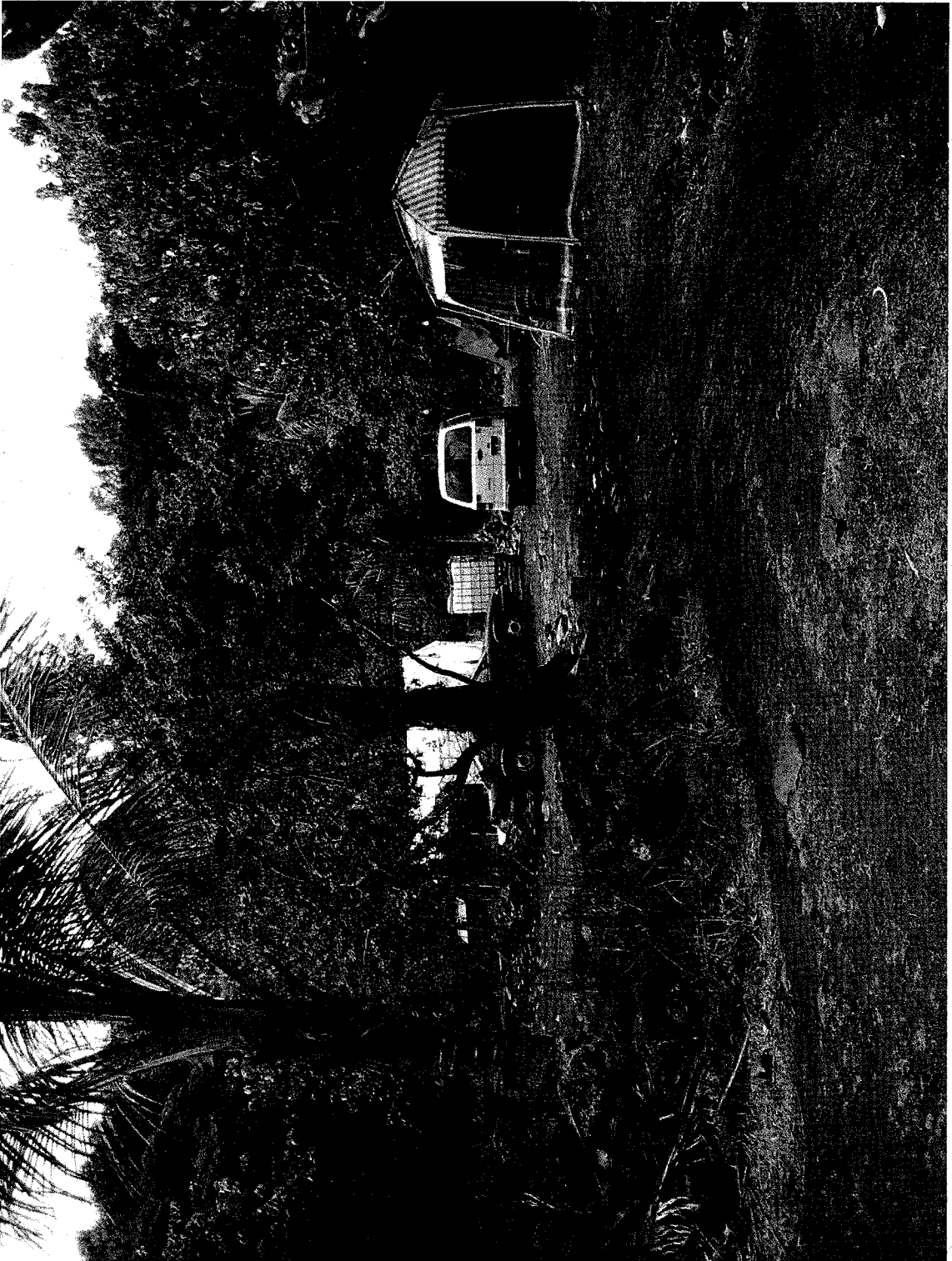
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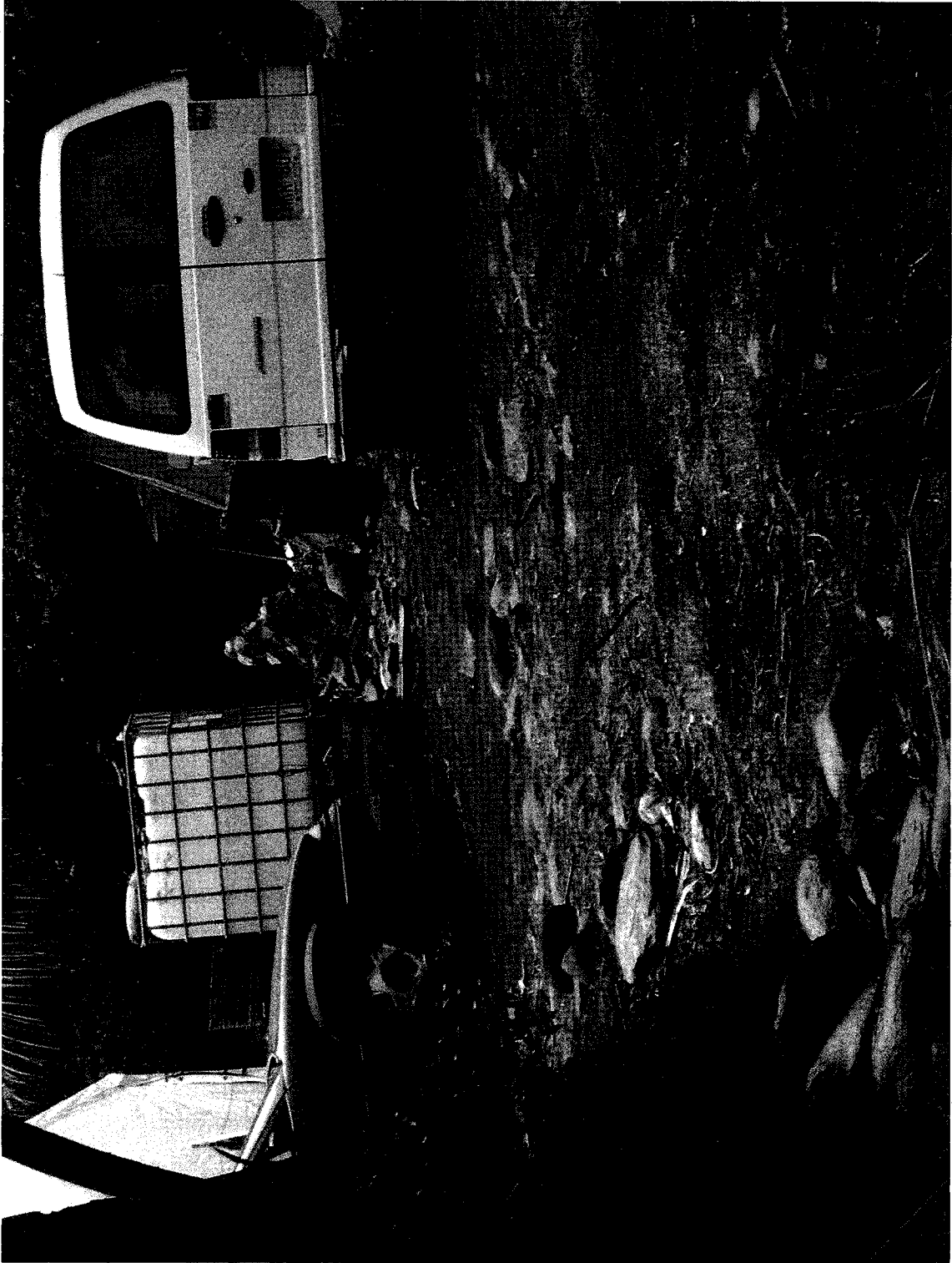


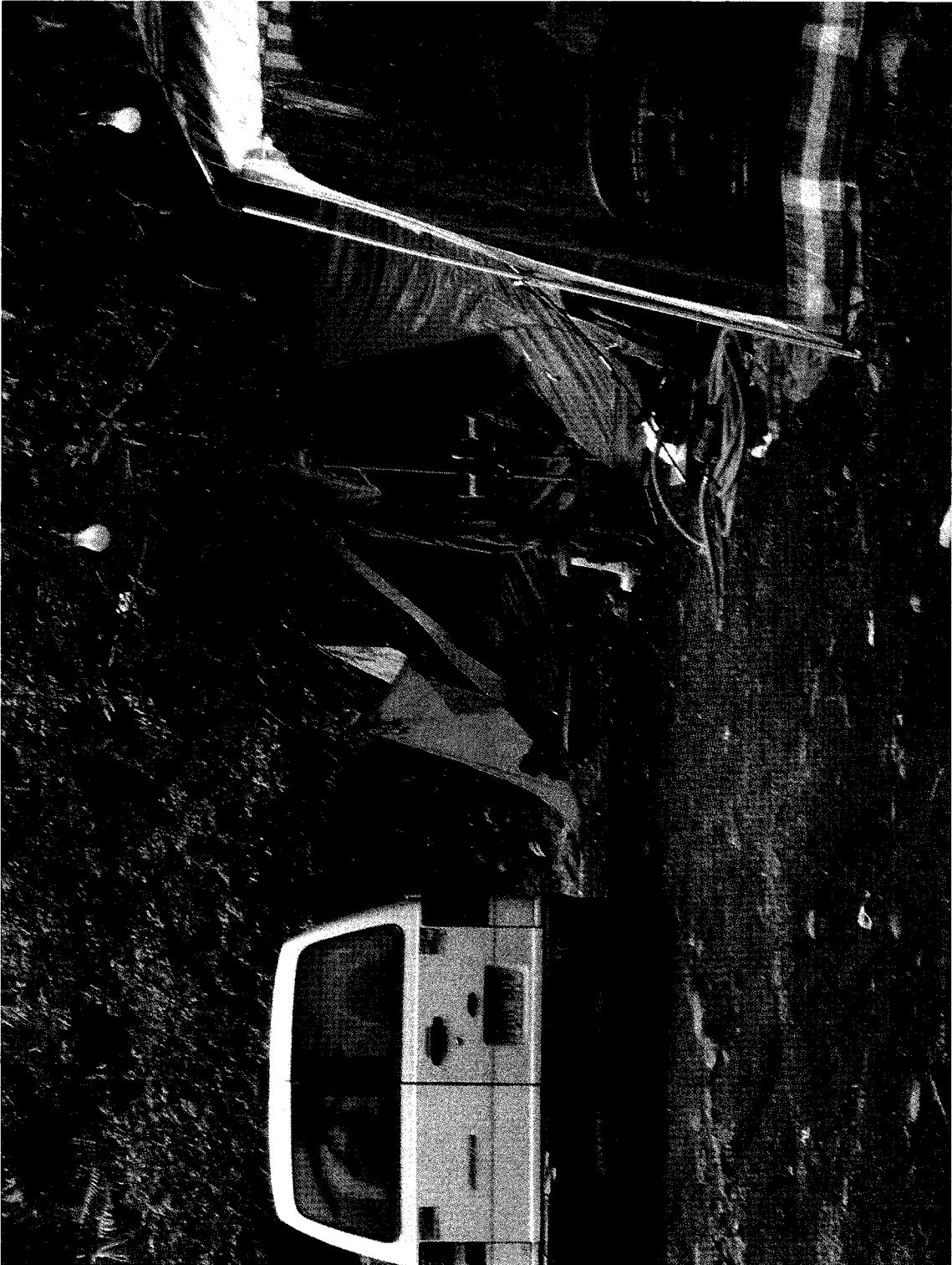
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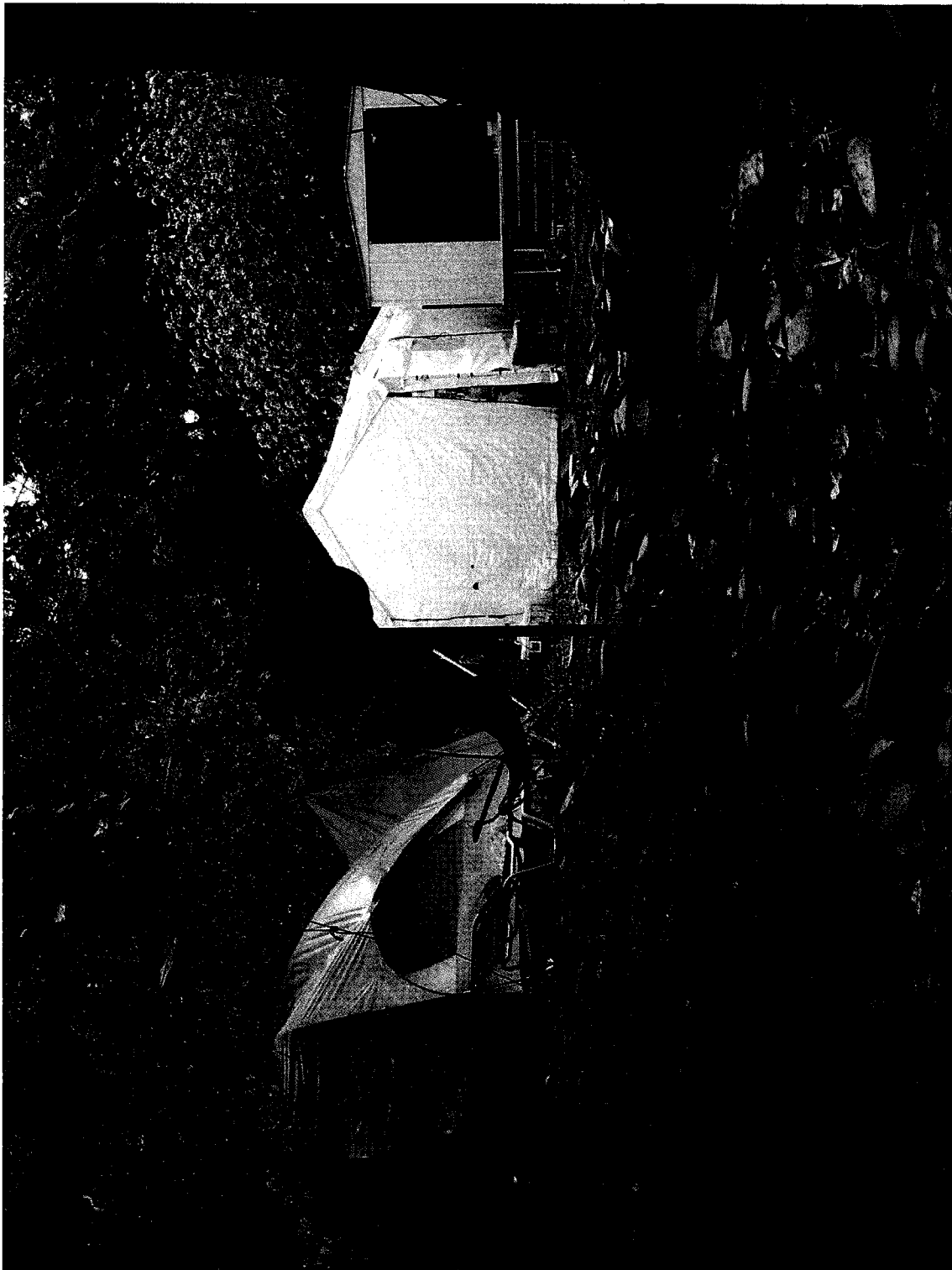








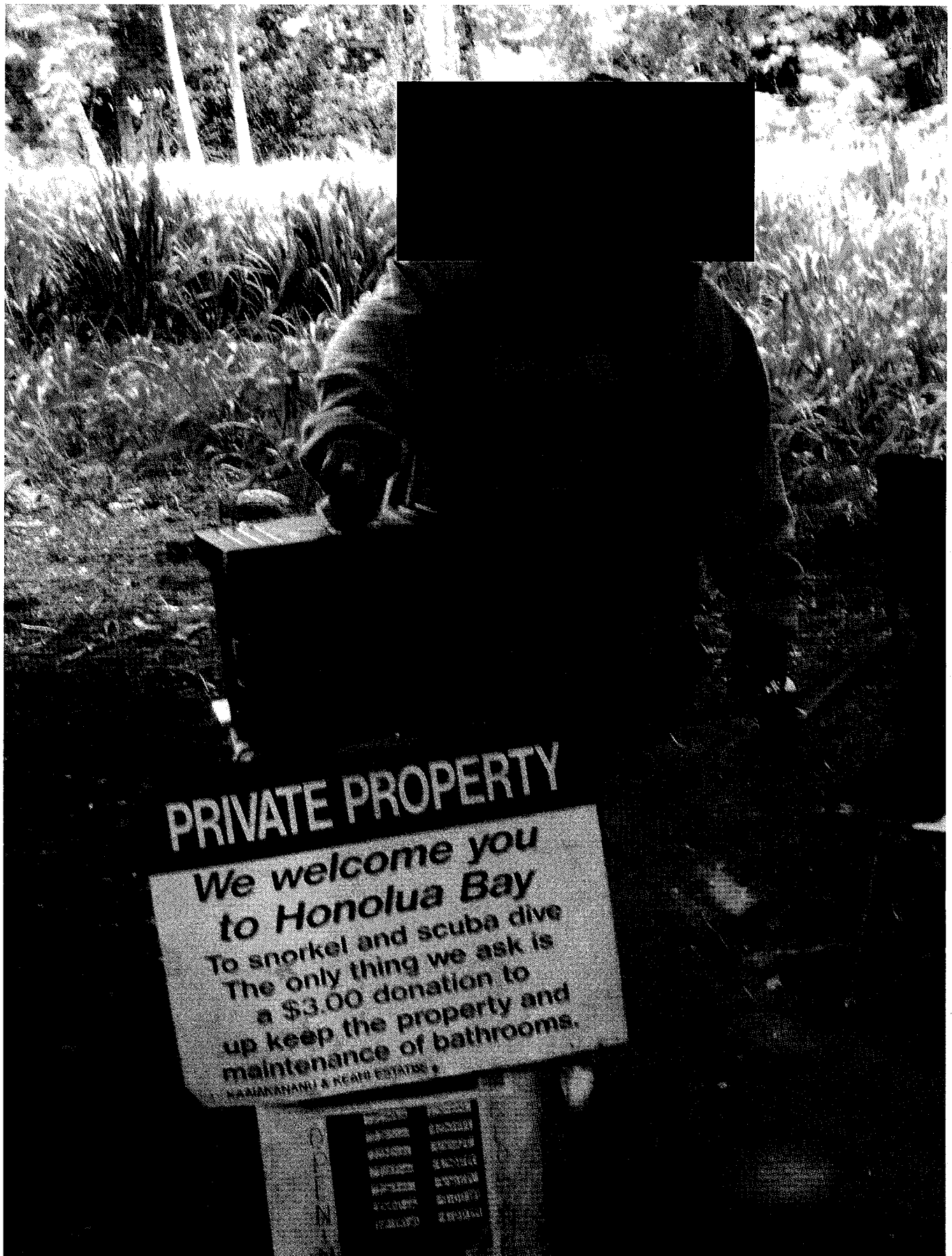
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N

Exhibit 5: Correspondences

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

NOTICE AND ORDER

JUL 20 2006

Mr. Jimmy Billianor

SUBJECT: Illegal Activity in the Conservation District Identified As Tax Map Key (2) 4-1-01:8

NOTICE IS HEREBY GIVEN that you are in violation of Hawai'i Administrative Rules (HAR) Title 13, Chapter 5, entitled *Conservation District* providing for land use within the Conservation District, enacted pursuant to Chapter 183C, Hawai'i Revised Statutes (HRS).


An inspection of the premises on which the illegal activity has been conducted was made on June 16 and 24, 2006 by the Department of Land and Natural Resources. We have determined that:

- 1) The subject property, identified as tax map key (2) 4-1-01:8, is in the Conservation District Resource Subzone;
- 2) The following uses were conducted on the subject premises: Unauthorized clearing of land, unauthorized commercial activities, possible disruption of Hawaiian graves and other archaeological sites, establishment of a semi-permanent camp.
- 3) These uses were not authorized by the Department of Land and Natural Resources.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises immediately. Should you fail to discontinue these uses immediately, and/or if it is determined that natural resources have been damaged as a result of your actions, you shall be subject to fines up to \$2,000 per day pursuant to Chapter 13-5, HAR, in addition to administrative costs incurred by the Department.

Please contact Michael Cain of the Office of Conservation and Coastal Lands at 587-0048 to discuss the resolution of these issues.

By:


PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

cc: Daniel Ornellas, Maui Land Division
Russell Kapahulehua, Maui DOCARE
DLNR State Historic Preservation Division

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

PETER T. YOUNG
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:MC

Violation MA-06-80

OCT - 5 2006

MEMORANDUM:

TO: DLNR - DOCARE
Patti Edwards

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: DELIVERY OF NOTICE TO JIMMY BILLIANOR AT HONOLUA BAY

TMKs: (2) 4-1-01:7, 8, 19

LOCATION: Honolua Bay, Lahaina, Maui

We respectfully ask a DOCARE officer to deliver the attached letter to Jimmy Billianor at his camp at Honolua Bay. The Maui officers are familiar with his camp. Thanks.

Attachment: Notice to Jimmy Billianor

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:MC

File No.: ENF MA-06-80

OCT - 5 2006

Jimmy Billianor
No known fixed address
Honolua Bay, Maui

Dear Mr. Billianor:

SUBJECT: Regarding alleged unauthorized clearing of land, commercial uses, disruption of archaeological sites, and establishment of a permanent camp in the Conservation District.

This is to inform you that the Board of Land and Natural Resources (Board) will be asked to consider an alleged violation of the conservation district rules relating to unauthorized work and activities in the conservation district at Honolua, Hawai'i.

Prior to taking action, the Board, pursuant to Chapter 91-90, Hawai'i Revised Statutes, informs you of the following:

1. Date, time, place and nature of meeting

A meeting time on this matter will be included on the Land Board's agenda at one of its regular scheduled meetings room 132 of the Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawai'i 96813. You will be notified of the date at least two weeks in advance.

2. Legal authority under which the hearing is to be held

The Board derives its authority from Article XI, Section 12 of the Hawai'i State Constitution, and in this specific case, Chapters 183C, Hawai'i Revised Statutes, and Title 13-5 of the Hawai'i Administrative Rules.

3. The particular sections of the statutes and rules involved

a. §183C-7, Hawai'i Revised Statutes.

b. §13-5-6 of the Hawai'i Administrative Rules.

4. Issues involved

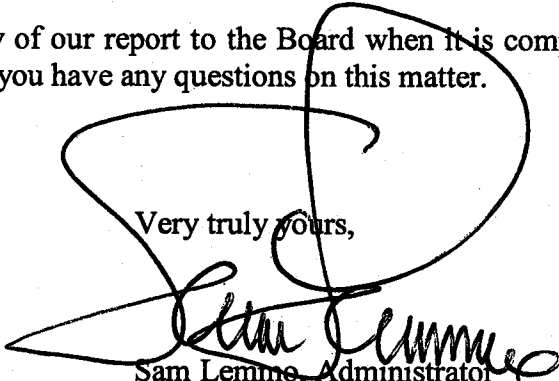
Unauthorized clearing of land, commercial uses, disruption of archaeological sites, and establishment of a permanent camp in the Conservation District

5. Counsel

You, and/or your council will be afforded an opportunity to present evidence and argument on all issues involved.

You will be provided with a copy of our report to the Board when it is complete. You contact Michael Cain at 587-0048 should you have any questions on this matter.

Very truly yours,



Sam Lemme, Administrator

Office of Conservation and Coastal Lands

cc: Maui County Planning Department [Daniel Ornellas]
DOCARE- Patti Edwards
DLNR – DOCARE [Patti Edwards], Historic Preservation [Maui]